

From: [Pimpare, Justin](#)
To: [Weidman, Rebecca](#)
Subject: RE: EPA Response to CLF FOIA request
Date: Wednesday, February 17, 2021 9:20:00 AM

Just want to make sure you are okay with this response so you can craft yours similar.

From: Weidman, Rebecca <Rebecca.Weidman@mwra.com>
Sent: Wednesday, February 17, 2021 9:13 AM
To: Pimpare, Justin <Pimpare.Justin@epa.gov>
Subject: RE: EPA Response to CLF FOIA request
[Thanks Jay! Let me know if you hear anything else from CLF.](#)
[Becky](#)

From: Pimpare, Justin <Pimpare.Justin@epa.gov>
Sent: Tuesday, February 16, 2021 5:00 PM
To: Weidman, Rebecca <Rebecca.Weidman@mwra.com>
Subject: [EXTERNAL] EPA Response to CLF FOIA request

[EXTERNAL]: This is an external email. Do not click on links or attachments if sender is unknown or if the email is unexpected.

Hi Becky,

I have finalized our response to the CLF FOIA request and wanted to share it with you since you are also responsible for responding under separate request. See the attached language:

EPA approved the original MWRA Enforcement Response Plan (ERP) in 1992. In a letter dated August 17, 2017, MWRA sent EPA minor revisions to the ERP in response to the requirements of the NPDES permit (MA0100404) for the MWRA Clinton facility. Although the MWRA Clinton permit was not referenced in the FOIA request, the revised ERP pertains to both the Clinton and Deer Island pretreatment programs.

The 2017 revised ERP consisted of minor organizational changes and the tiered level of enforcement responses did not change from the 1992 ERP. Since the 2017 ERP revisions were considered minor and the actual ERP did not change, the updated ERP was treated as a non-substantial modification to MWRA's pretreatment program and there was no formal approval necessary by EPA pursuant to 40 CFR 403.18(d)(3), which is as follows:

(3) If the Approval Authority does not notify the POTW within 45 days of its decision to approve or deny the modification, or to treat the modification as substantial under paragraph (b)(7) of this section, the POTW may implement the modification.

EPA considers the updated 2017 ERP to be approved and in effect as part of MWRA's approved pretreatment program. Attached are two documents entitled Final ERP Guide (outlining MWRA's enforcement response options) and ERP Organizational Changes (describing the organizational revisions) that you requested.

Let me know if you have any questions or issues with the language.

Thank you

Jay

Justin Pimpare

Regional Pretreatment Coordinator

5 Post Office Square
Suite 100 OEP 06-03
Boston, MA 02109
617 918 1531